## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

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RICARDO SALCEDO,

Petitioner,

VS.

MAGGIE MILLER-STOUT,

Respondent.

NO. CV-07-3014-EFS
ORDER DISMISSING PETITION

By Order filed April 19, 2007, the Court advised Mr. Salcedo of the deficiencies of his *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 and directed him to amend within sixty (60) days. Petitioner, a prisoner at the Airway Heights Correction Center, is proceeding *in forma pauperis*; Respondent has not been served. It appears Mr. Salcedo has abandoned his federal habeas corpus petition as he has not filed an amended petition.

Accordingly, for the reasons set forth in the Order to Amend Petition (Ct. Rec. 4), IT IS ORDERED the Petition is DISMISSED without prejudice for failure to exhaust state court remedies and because a question of whether a prior conviction qualifies for sentence enhancement under state law is not a cognizable federal habeas corpus claim. See Miller v. Vasquez, 868 F.2d 1116, 1118-19 (9th Cir. 1989).

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IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward copies to Petitioner at his last known address, and close the file.

**DATED** this 29th day of June 2007.

S/ Edward F. Shea

EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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